

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Mansa Musa Yusef Banshee, #73461,)	C.A. No. 6:04-23099
)	
Plaintiff,)	
)	
vs.)	
)	
Jon Ozmint, Director of the South Carolina)	
Department of Corrections; John Davis,)	
Medical Director; Stan Burtt, Warden;)	
Michael Sribnick, Dr.; Gary A. Kocher, Dr;)	
Martha Gedert and D. Kelly, Rns;)	
)	
Defendants.)	
)	

ORDER

This matter is before the Court for review of the Report and Recommendation (the “Report”) filed by United States Magistrate Judge William M. Catoe, to whom this case had previously been assigned pursuant to 28 U.S.C. § 636(b) and Local Rule 73.02(B)(2) (D.S.C.). (Doc. #23). In the Report, Magistrate Judge Catoe recommends that the Defendants’ motion for summary judgment be granted. (Doc. #19). The plaintiff has filed objections to the Report.

In conducting this review, the Court applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections. . . . The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a *de novo* determination of those portions of the report or specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the Report and Recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case, the Court is free, after review, to accept,

reject, or modify any of the magistrate judge's findings or recommendations.

Wallace v. Housing Auth. of the City of Columbia, 791 F.Supp. 137, 138 (D.S.C. 1992) (citations omitted). In light of this standard, the Court has reviewed the Report and all documents filed by the parties to this lawsuit, including the affidavits filed in this case. After careful review of the Report and objections thereto, the Court accepts the Report.

It is therefore **ORDERED** that the Report be **ACCEPTED**, the objections be **OVERRULED**, and summary judgment in Defendants' favor be **GRANTED**. (Doc. #19). In light of this Order, Defendants' motion to dismiss is rendered moot. (Doc. #13) .

IT IS SO ORDERED.

S/ Terry L. Wooten

Terry L. Wooten
United States District Judge

March 7, 2006
Florence, South Carolina